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| 09/471,072   | 12/21/1999  | EDUARDO PELEGRI-LLOPART | SUNIP254/P41        | 6969             |
| 22434  | 7590        | 01/05/2004              | EXAMINER            |                  |
| BEYER WEAVER & THOMAS LLP<br>P.O. BOX 778<br>BERKELEY, CA 94704-0778 |             |                         | KISS, ERIC B        |                  |
|  |             |                         | ART UNIT            | PAPER NUMBER     |
|  |             |                         | 2122                | 18               |

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/471,072

Applicant(s)

PELEGRI-LLOPART ET AL. 

Examiner

Eric B. Kiss

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4,6-8,10 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,6-8,10 and 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. The supplemental response filed October 17, 2003, has been received and entered. Claims 1, 4, 6-8, 10, and 13-18 are pending.

#### ***Response to Amendment***

2. Applicant's replacement sheet for Fig. 2 and clarifying description in Applicant's remarks, appear to address the objection to Fig. 2 as set forth in the previous office action. However, it is noted that Applicant's replacement sheet for Fig. 2 does not comply with 37 CFR §1.121(d), which requires that such a sheet bear the label "Replacement Sheet" in the header. Accordingly, the previous drawing objection is maintained and reproduced below, but would be withdrawn upon receipt of a replacement sheet complying with the provisions set forth in 37 CFR 1.121(d).
3. Applicant's amendments to the specification do not completely address the objection to the specification based on improper usage of trademarks. For example, on page 9, in the paragraph labeled "[0033]", the term JAVA is used as a noun and is not accompanied by generic terminology. The Examiner suggests that Applicant consider the material presented on the Sun Microsystems, Inc. web page at <URL: <http://www.sun.com/policies/trademarks/>>.

*Response to Arguments*

4. Applicant's arguments filed September 30, 2003, have been fully considered but they are not persuasive.

a) In response to Applicant's arguments in paragraphs 2-3 of page 12, Applicant has argued that various features are not taught by the references applied "in the context of the invention". Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.").

As stated in the previous office action, a *CFSET* object includes a mapping of scripting variables to values (see, for instance, the first example given on page 15 of the *CF Web* reference, which shows a mapping of the variable "FirstName" to the value "Jack"); the *GetBaseTagData()* method described in *CF Advanced* returns a list of available scripting variables and a variable type associated with each variable (as acknowledged by Applicant, the *GetBaseTagData()* method returns an object that contains all the variables, scopes, etc. of the nth

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ancestor with a given name. As the object returned contains available scripting variables and scope is a form of variable type, the *GetBaseTagData()* method meets the recited criteria of the TagExtraInfo object method); the GetBaseTagData function described in CF Advanced returns a list of available scripting variables and a variable type associated with each variable that is defined or modified by its associated action tag (GetBaseTagData returns an object that contains all the variables, scopes, etc. of the nth ancestor with a given name (see CF Advanced, p. 27 subsection titled “Ancestor data access”); as such, the variables defined by the associated ancestor tag are returned); the pageContext object of ColdFusion 4.0 includes a mapping of at least one scripting variable to a value that is or can be represented in the tag library (see, for example, CF Advanced, pp. 27-28 subsection titled “Example: Ancestor data access”, which shows sample code snipped from a custom tag. The sample code shows multiple examples of the CFSET instruction used to create mappings involving previously established tag data).

Further, in response to Applicant’s arguments with regard to a translator, translation, and translation time, the Examiner respectfully points out that in the ColdFusion environment, pages containing tags and executable code reside on the server and are accessed through requests from a client browser. In processing the client browser request, the tags are evaluated, the code is executed, and data is generated and presented to the client browser as an HTML page. Thus, translation is an inherent part of the ColdFusion execution process (see, for example, CF Web, page 7, first three paragraphs).

b) It is noted that Applicant’s arguments with respect to “independent 14” in the last paragraph of page 12, continuing onto page 13 apparently should refer to independent claim 13

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instead upon which claim 14 is dependent. Accordingly, although Applicant has failed to specifically address the rejection of claim 13, the Examiner attributes this omission to a typographical error (with the readily apparent correction described above) rather than non-responsiveness. This argument has been addressed as set forth above.

c) Applicant's arguments in paragraph 2 of page 13, fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

### *Drawings*

5. New corrected drawings are required in this application because the proposed copy of Fig. 2 does not comply with the requirements of 37 C.F.R. §1.84, and in particular, 37 C.F.R. §1.84(a), (e), (g), (l), (n), (p), and (w). In addition, as described in the two previous office actions, Fig. 2 does not clearly and completely illustrate the aspects of the present invention as it is disclosed in the instant specification. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

***Specification***

6. The use of trademarks JAVA and JAVASERVER have been noted in this application. They should be capitalized wherever they appears and be accompanied by the generic terminologies.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner that might adversely affect their validity as trademarks.

In the present case, the trademark JAVA is not accompanied by generic terminology. See MPEP § 608.01(v).

***Claim Rejections - 35 USC § 112***

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "The computer system of Claim 3" in line 1. There is insufficient antecedent basis for this limitation in the claim. Since Applicant has cancelled claim

3, claim 4 is not a properly dependent claim. In the interest of compact prosecution, claim 4 is assumed to be dependent from claim 1 for the purpose of further examination.

***Claim Rejections - 35 USC § 102***

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 1-4, 7, 8, 13-15, 17, and 18 are rejected under 35 U.S.C. 102(a) as being anticipated by the ColdFusion 4.0 software product, available at least as early as October 2, 1998, as evidenced by the ColdFusion Documentation files, including: "Getting Started with ColdFusion" (hereinafter CF Getting Started); "Developing Web Applications with ColdFusion" (hereinafter CF Web); "Advanced ColdFusion Development" (hereinafter CF Advanced); "ColdFusion 4.0 Documentation Update" (hereinafter CF Update); and "ColdFusion Quick Reference Guide" (hereinafter CF Guide), and such a product hereinafter ColdFusion 4.0.

As per claim 1, ColdFusion 4.0 is disclosed with a system comprising a page suitable for building an application with dynamic web content, the page including one or more action tags ***that are provided as text in a mark-up language*** (see CF Web, p. 7, first three paragraphs); a tag library (a collection of tags); ***a translator suitable for translating the action tags from the mark up language to an executable programming code that is executed at runtime to perform actions intended by the action tags*** (see, for example, CF Web, p. 7, first three paragraphs); a TagExtraInfo object providing a method that ***is accessed by the translator at translation time,***

*the method returning, at translation time, information that includes* a list of available scripting variables and a variable type *and scope* associated with each scripting variable that is defined or modified by its associated action tag, *thereby allowing the translator at translation time to use the information provided by the method to generate code that when executed at runtime will assign each of the scripting variables with appropriate runtime values with respect to the type and scope of each of the scripting variables* (GetBaseTagData returns an object that contains all the variables, scopes, etc. of the nth ancestor with a given name (see CF Advanced, p. 27 subsection titled “Ancestor data access”); as such, the variables defined by the associated ancestor tag are returned; the translator (ColdFusion) consults the TagExtraInfo object (evaluates the GetBaseTagData function) to obtain the list of available scripting variables (ancestor variables) when the page is translated (see CF Advanced, pp. 27-28 subsection titled “Example: Ancestor data access” and, in particular, see the fifth line of the code example); see also the “Using Application and Session Variables,” “Creating HTTP Cookie Variables,” and “Using CGI Environment Variables” sections of CF Web, pages 36-44); a pageContext object including a *runtime* mapping of at least one scripting variable in the list of available scripting variables to a *runtime* value that is represented or can be represented in the tag library (CFSET tag; see CF Web, pp. 16-17 section titled “Using CFSET to create variables”; see also, for example, CF Advanced, pp. 27-28 subsection titled “Example: Ancestor data access”, which shows sample code snipped from a custom tag. The sample code shows multiple examples of the CFSET instruction used to create mappings involving previously established tag data; see also the “Using Application and Session Variables,” “Creating HTTP Cookie Variables,” and “Using CGI Environment Variables” sections of CF Web, pages 36-44); and *a tag handler that creates*

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*at runtime one or more objects that the page requires, the tag handler further operating to store the one or more created objects into the pageContext object, thereby allowing the one or more objects to be retrieved at runtime when the generated code is executed, the one or more objects being assigned at runtime to each of the scripting variables in the list of scripting variables that is returned by the method at translation time* (creating the pageContext object when the page is executed (see CF Web, p. 17 sections titled “Example: Dynamic parameters” and “Example: Expressions”); see also the “Using Application and Session Variables,” “Creating HTTP Cookie Variables,” and “Using CGI Environment Variables” sections of CF Web, pages 36-44 ).

As per claims 4, 8, and 14, ColdFusion 4.0 is disclosed with such a TagExtraInfo object that comprises (as a function return value) an object name for each variable (variable name), a type for each variable (based on variable naming conventions; see, e.g., CF Advanced p. 28, lines 8-9 which determines the custom tag context by looking for a variable beginning with “CF\_”), and a scope parameter for each variable (see CF Advanced, pp. 27-28 subsections titled “Ancestor data access” and “Example: Ancestor data access”).

As per claim 7, this is a method version of the claimed system, discussed above (claims 1-3), wherein all claim limitations also have been addressed as set forth above.

As per claim 13, this is a computer-readable medium version of the claimed system discussed above (claim 3). ColdFusion 4.0 is further disclosed with a computer readable medium including computer program code (ColdFusion CD-ROM; see CF Getting Started, p. 4 section titled “To install ColdFusion for Windows”). All other limitations also have been addressed as set forth above.

As per claims 15, 17, and 18, the ColdFusion 4.0 page is further is converted to a first programming code which is different that a second programming code that is used to implement the tag library (for example, CF Advanced, pp. 9-10 provide an example of a JavaScript object in addition to the normal HTML-only page without making any changes to the tag library).

***Claim Rejections - 35 USC § 103***

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

12. Claims 6, 10, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the ColdFusion 4.0 software product as applied to claims 1, 7, and 13 above.

As per claims 6, 10, and 16, ColdFusion is disclosed with a text-based document (CFML document) that describes how to process a request (evaluate functions and tag objects) to create a response (generate an HTML document) just as the JavaServer Page is described in the instant application (see p. 1, lines 18-20). Therefore, it would have been obvious to one having ordinary skill in the computer art at the time the invention was made to substitute the known (see, for example, "Tools for Developing Servlets and Server Pages Using Java Technology," 1999, JavaOne '99 Session Information) JavaServer Page technology, in which a server implements a container, and a page is converted and executed on the server, for the ColdFusion 4.0 technology. One would be motivated to do so because both are directed toward the same function.

***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (703) 305-7737. The Examiner can normally be reached on Tue. - Fri., 7:30 am - 5:00 pm. The Examiner can also be reached on alternate Mondays.

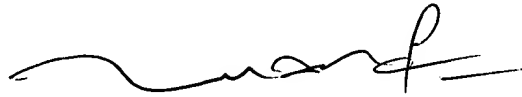
If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

EBK/EBK

January 2, 2004



**TUAN DAM**  
**SUPERVISORY PATENT EXAMINER**